



# MIAMI BEACH

OFFICE OF THE CITY MANAGER

NO. LTC #310-2010

## LETTER TO COMMISSION

RECEIVED  
2010 NOV 22 PM 4:23  
CITY CLERK'S OFFICE

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: November 22, 2010

SUBJECT: Annual Noise Report (July 1, 2009 - June 30, 2010)

This Letter to Commission (LTC) provides the July 2009 through June 2010 annual report on the implementation of the City's Noise Ordinance, as amended in July 2008, and as required pursuant to the Administrative Guidelines adopted via resolution on that date. Data for the noise reports is aggregated by calendar year quarters, and includes all of the information required by the Administrative Guidelines as approved on October 7, 2008.

All of the reporting data required by the Administrative Guidelines is presented in table form (Attachment A). As commercial noise appears to be the area of most interest, and that which has garnered the most attention and discussion, data for commercial cases only is also reported in the same format (Attachment B). In addition, a chart depicting "reasons for non-valid" for commercial cases is included as Attachment C.

In addition, this LTC encompasses the April through June, 2010 (Q2-10) quarterly report. All of the detailed reporting data as required under the Administrative Guidelines is attached. Attachment D includes data for commercial cases and in Attachment E for all cases. Attachment F depicts "reasons why not valid" for commercial cases, and Attachment G includes an update of appeals for violations issued in the second quarter, as well as updated on appeals previously filed.

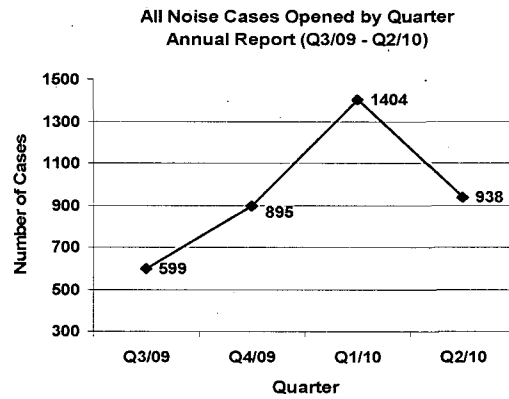
Going forward, the second quarter data will be attached to the Annual Noise Report, as both are issued at the same time.

### SUMMARY OF ANNUAL REPORT DATA

As previously noted, Attachment A to this report provides the overall data for the year that includes quarters three and four of 2009, and quarters one and two of 2010. A total of **3,836 noise cases were opened** during the reporting period of July 1, 2009 to June 30, 2010. Fifty-six (56) of the cases were voided. Of the 3,780 cases with dispositions (3,836 less the 56 voided), 125 of those calls were cancelled by the complainant; as such their disposition is "cancelled". That leaves 3,655 noise cases where the disposition was valid/non-valid.

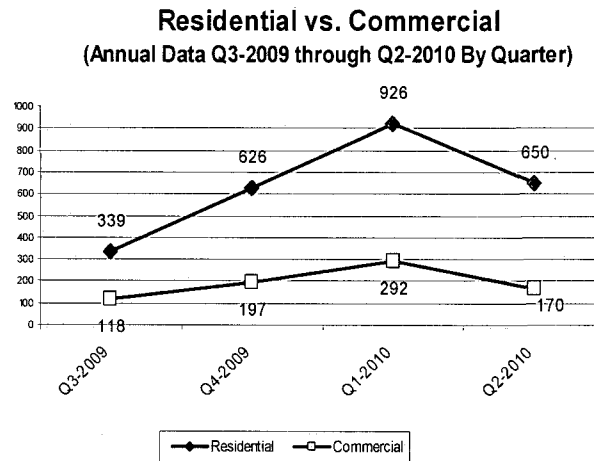
The following three charts reflect the noise cases opened by quarter for the reporting period (3,836). The first chart reflects the total cases opened for each of the four (4) quarters that comprise this reporting period. As noted, the most cases opened occurred in Quarter 1 of 2010, which coincides with New Year's Eve, Winter Music Conference, and this year with the ProBowl and SuperBowl.

**CHART A**



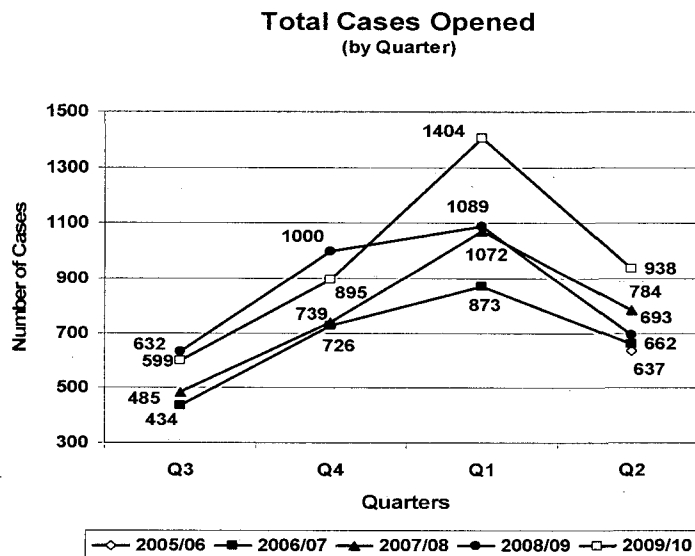
A comparison between just the residential and commercial noise cases opened during the annual reporting period is provided in the chart below. As noted, the residential and commercial cases follow the same quarterly trend, with noise cases reaching a peak in the first quarter and a low in the third quarter.

**CHART B**



This final chart provides an historical comparison of all quarters of noise reports going back to Q2-06. This chart provides a very visual look at the trends that we experience relating to noise. For the most part, noise periods in the City follow these trends, with the peaks occurring between October and March.

**CHART C**



The total number of noise cases for the year with a valid/non-valid disposition was 3,655. The total percentage of cases closed as valid was 15.1% for all cases and ranged from as much as 18.8% for commercial cases opened, to 14.3% for residential cases and 12.8% for "other" cases. As previously noted in other reports, valid case are those cases whereby "noise" meeting the definition of the noise ordinance is occurring at the time of a Code Compliance Officer's (or Police Officer's) arrival. A non-valid case disposition is not intended to demonstrate that noise did not occur, only that noise meeting the standard of the ordinance, and thus a valid violation, was not occurring and could not be witnessed by the responding officer, which would be necessary for a violation to be issued.

Consistent with prior experience on noise issues, the majority, in this case **69.5%**, of the 3,655 valid/non-valid noise cases opened were residential noise cases. *In fact*, noise cases for apartments (1,458 cases) represent 39.9% of all noise cases opened in the City during this reporting period. The establishment types with the second and third highest percentage of all noise cases opened was condos (672 cases) 18.4% and single-family homes (411 cases) 11.2%.

Conversely, commercial noise cases represented **21.3%** of the 3,655 valid/non-valid noise cases, with restaurants (214 cases) accounting for 5.9% of all noise cases opened, followed by hotels (196 cases) 5.4% and bars (126 cases) 3.4%.

BREAKDOWN OF TOTAL (VALID and NON-VALID) CASES		
		% OF TOTAL CASES
RESIDENTIAL	2,541	69.5%
COMMERCIAL	777	21.3%
OTHER	337	9.2%
<b>TOTAL</b>	<b>3,655</b>	

Overall, loud music continued to be the noise type that generated the most cases, with 84.9% of all noise cases opened being for loud music.

#### **SUMMARY OF ANNUAL REPORT DATA – COMMERCIAL CASES**

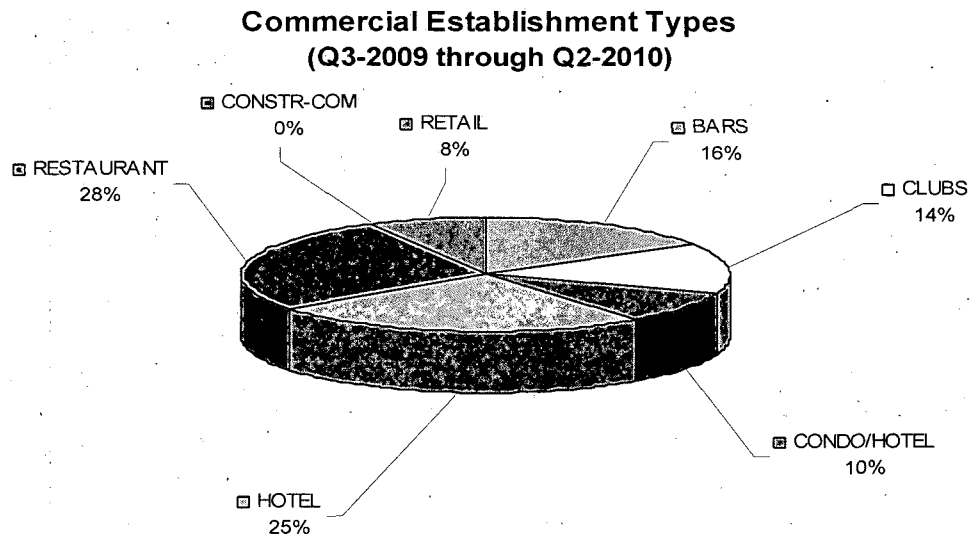
As the majority of the discussion has centered on the impact of commercial noise cases, this summary focuses on the results for the past year as it relates to noise complaint cases for commercial establishments (please refer to Attachment B). Commercial, as used in the report, includes cases opened for noise complaints for: bars, clubs, hotels, condo/hotels, restaurants, retail, and construction sites for commercial establishments.

Of the 3,655 cases with a valid/non-valid disposition, a total of 777 were commercial cases. In short: only **21%** of ALL noise cases with a valid/non-valid disposition in the reporting period were for commercial noise cases.

The final dispositions for those cases reflect that:

- **18.8%** of all (combined) commercial cases were closed as valid (146), with the balance, 631, deemed "non-valid" at the time of the Code Compliance Officer's arrival (as compared to 14.3% of residential noise cases closed as valid).
- Within individual commercial establishment types, the percentage of cases closed as valid varied. For example,
  - 25% of cases for hotels were closed as valid,
  - 22.2% of cases for bars were closed as valid,
  - 22% of cases for clubs were closed as valid,
  - 15.9% of cases for restaurants were closed as valid,
  - 13.3% of all cases for retail were closed as valid, and
  - 4.2% of cases for condo/hotel establishments were closed as valid.

The chart below breaks down the commercial cases opened by establishment types. As noted, the largest percentage of commercial cases opened was for restaurants, followed by hotels.



Perhaps not surprisingly for commercial noise complaints, loud music accounts for **91.5%** of the noise type noted for commercial cases opened, yet only 1% of commercial cases opened are for live entertainment. Of cases with that noise type (loud music), **19%** were deemed valid.

Data on "time to arrive" reflects the time from when a call was received by dispatch to the time the Code Compliance Officer arrived at the location of the complaint. For commercial cases, the "time to arrive" averaged 14:40 for valid cases and 21:15 for cases deemed non-valid. The differential was much smaller for residential cases, with an arrival time of 24:12 for valid cases and 26:04 for non-valid cases.

A total of 40.8% of all commercial cases were opened on Friday (19.8%) or Saturday (21%), with 57.3% of the commercial cases opened for noise complaints occurring from 11 pm to 6:59 am. For commercial complaints, 49.4% were anonymous; by comparison, 57% of residential noise complaints were anonymous.

### **COMPARISON TO PREVIOUS ANNUAL NOISE REPORT**

This is the second full year of reporting since the final amendments to the noise ordinance. Annual reporting periods run from July 1<sup>st</sup> (Q3) through June 30<sup>th</sup> (Q2) of the following year and a comparison between the two (2) annual reports reflects that, in general, the data is very similar from year to year.

- There was an increase of 422 cases (12%) in 2010 (3,414 in 2009 and 3,836 in 2010). Of those 422 cases, 315 (75%) were in the first quarter of 2010 which included ProBowl and SuperBowl.
- The trend of total number of cases opened per quarter was the same as follows: Q1, Q4, Q2, and Q3 (from highest number of cases to lowest for each reporting year).
- Loud music continues to be the predominant type of noise complaint, comprising 88% of all cases in 2009 and 84.9% in 2010.
- The percentage of cases that were residential, commercial and "other" was almost identical with 71% residential, 21% commercial and 8% "other" in 2009, and 70% residential, 21% commercial and 9% "other" in 2010.

- The validity rates were very similar for residential (14.3 % in 2010 and 15% in 2009) and “other” (13% in 2010 and 13% in 2009). The commercial validity rate was higher in 2009 (19% in 2010 and 31% in 2009) and by extension the overall validity rate was higher in 2009 (15% in 2010 and 18% in 2009).

It is interesting to note that the noise ordinance was amended in the third quarter of 2008, taking effect on July 26, 2008. Among other things, this amendment reduced the number of warnings (which carry no fines) for commercial violators from three to one, with the intention of reducing noise from commercial establishments. The validity rate for commercial cases had been trending upward through the third quarter of 2008 (45.9% valid). Since that high point, which corresponded with the passage of the amended noise ordinance, the validity rate for commercial cases has been trending downward.

### **ANALYSIS/CONCLUSION**

The annual report for Q3/09 to Q2/10 reflects a consistent trend relating to noise cases in the City of Miami Beach. As reflected, the City continues to experience the largest number of noise cases being opened for residential noise cases as opposed to commercial noise cases. The data also reflects that commercial noise cases have a higher percentage of valid dispositions than residential noise cases.

While there are occasional issues relating to one or two locations (typically commercial) that prompt noise complaints, there is no data that appears to demonstrate that noise is a widespread issue throughout the City. In fact, while most of the discussion has centered on commercial noise complaints, they represent less than a quarter of all noise cases opened.

# ALL CASES

## Noise Data 07/01/2009 - 06/30/2010 (Annual Report)

### Total Number of Noise Complaint Cases Opened/Calls Received

Total Cases Opened	Less Voided Cases*	Total with Dispositions
3836	56	3780

Code or PD Initiated	Complaint Calls Received	Canceled Calls**
28	3752	125

\*Voided cases are cases that were entered in error, duplicates, etc.

\*\*Canceled calls are cases canceled by the complainant prior to a Code Officer's arrival

### Disposition of All Noise Cases

Type	#
Total - Cases w/dispositions =	3780
Canceled**	125
Total Valid and Non-Valid Cases =	3655
Valid Cases	552
Non-valid Cases	3103
Less Cases Handled by PD	28
Total Valid and Non-Valid Cases Handled by Code Compliance =	3627

### Valid Violation Breakdown

Verbal	23	4.2%
Written Warning	417	75.5%
Violation	112	20.3%
Total Valid Cases	552	

### Noise Cases by Type of Establishment

	Total Cases		Valid		Non-Valid	
	Number of Cases	Percentage of All Cases (Valid / Non Valid)	Number of Cases	Percentage of Cases	Number of Cases	Percentage of Cases
Residential	2541	69.5%	363	14.3%	2178	85.7%
Commercial	777	21.3%	146	18.8%	631	81.2%
Other	337	9.2%	43	12.8%	294	87.2%
Totals	3655		552	15.1%	3103	84.9%

Residential = Apt, Condo, Single Family

Commercial = Bar, Club, Hotel, Hotel-Condo, Restaurant, Retail, Constr-Com

Other = Gyms, Bandshell, Beach, Public Property, etc..

	Total Cases		Valid Cases		Non-Valid Cases	
	Number of Cases (Valid & Non-Valid)	Percentage of All Cases (Valid & Non-Valid)	Number of Cases	Percentage of Cases	Number of Cases	Percentage of Cases
APT	1458	39.9%	158	10.8%	1300	89.2%
BAR	126	3.4%	28	22.2%	98	77.8%
CLUBS	109	3.0%	24	22.0%	85	78.0%
CONDO	672	18.4%	115	17.1%	557	82.9%
CONDO-HOTEL	72	2.0%	3	4.2%	69	95.8%
HOME	411	11.2%	90	21.9%	321	78.1%
OTHER	337	9.2%	43	12.8%	294	87.2%
RESTAURANT	214	5.9%	34	15.9%	180	84.1%
RETAIL	60	1.6%	8	13.3%	52	86.7%
HOTEL	196	5.4%	49	25.0%	147	75.0%
<b>Totals</b>	<b>3655</b>		<b>552</b>	<b>15.1%</b>	<b>3103</b>	<b>84.9%</b>

Noise Cases by Noise Type						
Noise Type	TOTALS		Valid Cases		Non-valid Cases	
LOUD MUSIC	3103	84.9%	455	14.7%	2648	85.3%
LIVE ENTERTAINMENT	13	0.4%	3	23.1%	10	76.9%
BARKING DOG	265	7.3%	49	18.5%	216	81.5%
CROWD NOISE	57	1.6%	6	10.5%	51	89.5%
CONSTRUCTION	204	5.6%	31	15.2%	173	84.8%
OTHER	1	0.0%	1	100.0%	0	0.0%
HONKING CARS	12	0.3%	7	58.3%	5	41.7%
Totals	3655		552	15.1%	3103	84.9%

### Call Time of Day / Day of Week

#### TOTAL VALID AND NON-VALID CASES

	Total		7a - 11p		11p - 7a (of following morning)		Not Noted	Percentage of total that occurred on that day of week
Monday	382	10.5%	187	49.0%	195	51.0%	0	10.5%
Tuesday	347	9.5%	176	50.7%	171	49.3%	0	9.5%
Wednesday	422	11.5%	227	53.8%	195	46.2%	0	11.5%
Thursday	474	13.0%	220	46.4%	254	53.6%	0	13.0%
Friday	604	16.5%	236	39.1%	368	60.9%	0	16.5%
Saturday	813	22.2%	343	42.2%	470	57.8%	0	22.2%
Sunday	613	16.8%	390	63.6%	223	36.4%	0	16.8%
<b>Totals</b>	<b>3655</b>		<b>1779</b>	<b>48.7%</b>	<b>1876</b>	<b>51.3%</b>	<b>0</b>	

## VALID

	Total		7a - 11p		11p - 7a (of following morning)	
Monday	53	9.6%	22	41.5%	31	58.5%
Tuesday	60	10.9%	32	53.3%	28	46.7%
Wednesday	54	9.8%	38	70.4%	16	29.6%
Thursday	64	11.6%	22	34.4%	42	65.6%
Friday	94	17.0%	36	38.3%	58	61.7%
Saturday	130	23.6%	46	35.4%	84	64.6%
Sunday	97	17.6%	60	61.9%	37	38.1%
<b>Totals</b>	<b>552</b>	<b>15.1%</b>	<b>256</b>	<b>46.4%</b>	<b>296</b>	<b>53.6%</b>

## NON-VALID

	Total		7a - 11p		11p - 7a (of following morning)		Not Noted	
Monday	329	10.6%	165	50.2%	164	49.8%	0	0.0%
Tuesday	287	9.2%	144	50.2%	143	49.8%	0	0.0%
Wednesday	368	11.9%	189	51.4%	179	48.6%	0	0.0%
Thursday	410	13.2%	198	48.3%	212	51.7%	0	0.0%
Friday	510	16.4%	200	39.2%	310	60.8%	0	0.0%
Saturday	683	22.0%	297	43.5%	386	56.5%	0	0.0%
Sunday	516	16.6%	330	64.0%	186	36.0%	0	0.0%
<b>Totals</b>	<b>3103</b>	<b>84.9%</b>	<b>1523</b>	<b>49.1%</b>	<b>1580</b>	<b>50.9%</b>	<b>0</b>	<b>0.0%</b>

## Call Time of Day - Residential vs Commercial

	Total		7a - 11p		11p - 7a (of following morning)		Not noted	
RESIDENTIAL	2541	69.5%	1213	47.7%	1328	52.3%	0	0.0%
COMMERCIAL	777	21.3%	332	42.7%	445	57.3%	0	0.0%
OTHER	337	9.2%	234	69.4%	103	30.6%	0	0.0%
<b>Totals</b>	<b>3655</b>		<b>1779</b>	<b>48.7%</b>	<b>1876</b>	<b>51.3%</b>	<b>0</b>	<b>0.0%</b>

## Breakdown of Calls with Identified Complainants and with Anonymous Complainants

	Total Cases		Valid Cases		Non-valid Cases	
<b>Totals</b>	<b>3655</b>		<b>552</b>	<b>15.1%</b>	<b>3103</b>	<b>84.9%</b>
Anonymous Complainant	2007	54.9%	241	12.0%	1766	88.0%
Anonymous with Contact made	154	4.2%	25	16.2%	129	83.8%
Contact Information Provided	1307	35.8%	253	19.4%	1054	80.6%
Not Noted	165	4.5%	13	7.9%	152	92.1%
Internal	22	0.6%	20	90.9%	2	9.1%



# COMMERCIAL NOISE CASES

## Noise Data 07/01/2009 - 06/30/2010 (Annual Report)

### Total Number of Noise Complaint Calls Received

Total Cases (Valid and Non-valid only)	Less Code or PD Initiated	Complaint Calls Received
777	17	760

### Disposition of All Noise Cases

Type	#	%
Valid Cases	146	18.8%
Non-valid Cases	631	81.2%
Total Valid and Non-Valid Cases =		777

### Valid Violation Breakdown

Verbal	15
Written Warning	72
Violation	59
<b>Total Valid Cases</b>	<b>146</b>

### Noise Cases by Type of Establishment

Location Type	Totals	Valid	Non-Valid
BAR	126	28	98
CLUBS	109	24	85
CONDO-HOTEL	72	3	69
RESTAURANT	214	34	180
RETAIL	60	8	52
HOTEL	196	49	147
<b>Total</b>	<b>777</b>	<b>146</b>	<b>631</b>
		<b>18.8%</b>	<b>81.2%</b>

### Noise Cases by Noise Type

Noise Type	Totals	Valid	Non-valid
LOUD MUSIC	711	135	576
LIVE ENTERTAINMENT	8	1	7
BARKING DOG	5	0	5
CROWD NOISE	2	0	2
CONSTRUCTION	46	5	41
OTHER	1	1	0
HONKING CARS	4	4	0
<b>Totals</b>	<b>777</b>	<b>146</b>	<b>631</b>
		<b>18.8%</b>	<b>81.2%</b>

# Time of Day / Day of Week of Call

## TOTAL VALID AND NON-VALID CASES

	Total	7a - 11p	11p - 7a (of following morning)	Percentage of total that occurred on that day of week
Monday	73	25	48	65.8%
Tuesday	52	30	22	42.3%
Wednesday	102	45	57	55.9%
Thursday	112	41	71	63.4%
Friday	154	62	92	59.7%
Saturday	163	62	101	62.0%
Sunday	121	67	54	44.6%
<b>Totals</b>	<b>777</b>	<b>332</b>	<b>445</b>	<b>57.3%</b>

## VALID

	Total	7a - 11p	11p - 7a (of the following morning)
Monday	11	3	8
Tuesday	9	6	3
Wednesday	14	8	6
Thursday	23	5	18
Friday	29	12	17
Saturday	36	11	25
Sunday	24	13	11
<b>Totals</b>	<b>146</b>	<b>58</b>	<b>88</b>

## NON-VALID

	Total	7a - 11p	11p - 7a (of the following morning)
Monday	62	22	40
Tuesday	43	24	19
Wednesday	88	37	51
Thursday	89	36	53
Friday	125	50	75
Saturday	127	51	76
Sunday	97	54	43
<b>Totals</b>	<b>631</b>	<b>274</b>	<b>357</b>

# Breakdown of Calls with Identified Complainants and with Anonymous Complainants

	Total Cases		Valid Cases		Non-valid Cases	
Total Complaints	777		146	18.8%	631	81.2%
Anonymous Complainant	384	49.4%	53	13.8%	331	86.2%
Anonymous with Contact made	27	3.5%	7	25.9%	20	74.1%
Contact Information Provided	307	39.5%	72	23.5%	235	76.5%
Not Noted	47	6.0%	3	6.4%	44	93.6%
Internal	12	1.5%	11	91.7%	1	8.3%

ATTACHMENT C

REASONS WHY NON-VALID (COMMERCIAL ONLY)

(ANNUAL REPORT)

631 NON-VALID COMMERCIAL CASES HANDLED BY	TOTALS	Music/Noise lowered prior to arrival per complainant	Permitted work	No Access / Access code	No Noise AT ALL	Exception	Music/Noise Not Loud or Excessive	Not Code Issue / Beyond City Limits	After 11PM - Not audible at 100ft.	Bad Address	No Information Provided	Lowered upon request
CODE	573	56	1	2	119	1	299	16	75	1	3	0
PD	58	0	0	0	26	0	12	4	1	0	15	0
TOTALS	631	56	1	2	145	1	311	20	76	1	18	0
PERCENTAGES		9%	0%	0%	23%	0%	49%	3%	12%	0%	32%	0%

# COMMERCIAL NOISE CASES

## Noise Data 04/01/2010 - 06/30/2010 (Q2-2010)

### Total Number of Noise Complaint Calls Received

Total Cases (Valid and Non-valid only)	Less Code or PD Initiated	Complaint Calls Received
170	3	167

### Disposition of All Noise Cases

Type	#	%
Valid Cases	29	17.1%
Non-valid Cases	141	82.9%
Total Valid and Non-Valid Cases =		170

### Valid Violation Breakdown

Verbal	3	10.3%
Written Warning	13	44.8%
Violation	13	44.8%
Total Valid Cases	29	

### Noise Cases by Type of Establishment

Location Type	Totals	Valid	Non-Valid
BAR	40	10	30
CLUBS	15	2	13
CONDO-HOTEL	17	0	17
RESTAURANT	47	6	41
RETAIL	18	4	14
HOTEL	33	7	26
Total	170	29	141
		17.1%	82.9%

### Noise Cases by Noise Type

Noise Type	Totals	Valid	Non-valid
LOUD MUSIC	155	26	129
LIVE ENTERTAINMENT	2	0	2
BARKING DOG	1	0	1
CROWD NOISE	0	0	0
CONSTRUCTION	10	1	9
OTHER	1	1	0
HONKING CARS	1	1	0
Totals	170	29	141
		17.1%	82.9%

# Time of Day / Day of Week of Call

## TOTAL VALID AND NON-VALID CASES

	Total	7a - 11p	11p - 7a (of following morning)	Percentage of total that occurred on that day of week
Monday	16	8	8	50.0%
Tuesday	11	7	4	63.6%
Wednesday	21	15	6	71.4%
Thursday	22	9	13	40.9%
Friday	36	16	20	44.4%
Saturday	38	21	17	55.3%
Sunday	26	17	9	65.4%
<b>Totals</b>	<b>170</b>	<b>93</b>	<b>77</b>	<b>54.7%</b>
				<b>45.3%</b>

## VALID

	Total	7a - 11p	11p - 7a (of the following morning)
Monday	2	1	1
Tuesday	2	1	1
Wednesday	4	2	2
Thursday	2	1	1
Friday	4	3	1
Saturday	7	3	4
Sunday	8	4	4
<b>Totals</b>	<b>29</b>	<b>17.1%</b>	<b>51.7%</b>
			<b>48.3%</b>

## NON-VALID

	Total	7a - 11p	11p - 7a (of the following morning)
Monday	14	7	7
Tuesday	9	6	3
Wednesday	17	13	4
Thursday	20	8	12
Friday	32	13	19
Saturday	31	18	13
Sunday	18	13	5
<b>Totals</b>	<b>141</b>	<b>82.9%</b>	<b>55.3%</b>
			<b>44.7%</b>

# Breakdown of Calls with Identified Complainants and with Anonymous Complainants

	Total Cases		Valid Cases		Non-valid Cases	
Total Complaints	170		29	17.1%	141	82.9%
Anonymous Complainant	94	55.3%	13	13.8%	81	86.2%
Anonymous with Contact	5	2.9%	1	20.0%	4	80.0%
Contact Information Provided	68	40.0%	12	17.6%	56	82.4%
Not Noted	0	0.0%	0	-	0	-
Internal	3	1.8%	3	100.0%	0	0.0%

## ALL CASES

Noise Data 04/01/2010 - 06/30/2010 (Q2-2010)

## Total Number of Noise Complaint Cases Opened/Calls Received

Total Cases Opened	Less Voided Cases*	Total with Dispositions
938	15	923

Code or PD Initiated	Complaint Calls Received	Canceled Calls*
4	919	25

\*Voided cases are cases that were entered in error, duplicates, etc...

\*\*Canceled calls are cases canceled by the complainant prior to a Code Officer's arrival

## Disposition of All Noise Cases

Type	#
Total - Cases w/dispositions =	923
Canceled*	25
Total Valid and Non-Valid Cases =	898
Valid Cases	122
Non-valid Cases	776
Less Cases Handled by PD	46
Total Valid and Non-Valid Cases Handled by Code Compliance =	852

## Valid Violation Breakdown

Verbal	4	3.3%
Written Warning	92	75.4%
Violation	26	21.3%
Total Valid Cases	122	

## Noise Cases by Type of Establishment

	Total Cases		Valid		Non-Valid	
	Number of Cases	Percentage of All Cases (Valid / Non Valid)	Number of Cases	Percentage of Cases	Number of Cases	Percentage of Cases
Residential	650	72.4%	77	11.8%	573	88.2%
Commercial	170	18.9%	29	17.1%	141	82.9%
Other	78	8.7%	16	20.5%	62	79.5%
Totals	898		122	13.6%	776	86.4%

Residential = Apt, Condo, Single Family

Commercial = Bar, Club, Hotel, Hotel-Condo, Restaurant, Retail, Constr-Com

Other = Gyms, Bandshell, Beach, Public Property, etc..



	Total Cases		Valid Cases		Non-Valid Cases	
	Number of Cases (Valid & Non-Valid)	Percentage of All Cases (Valid & Non-Valid)	Number of Cases	Percentage of Cases	Number of Cases	Percentage of Cases
APT	386	43.0%	35	9.1%	351	90.9%
BAR	40	4.5%	10	25.0%	30	75.0%
CLUBS	15	1.7%	2	13.3%	13	86.7%
CONDO	158	17.6%	27	17.1%	131	82.9%
CONDO-HOTEL	17	1.9%	0	0.0%	17	100.0%
HOME	106	11.8%	15	14.2%	91	85.8%
OTHER	78	8.7%	16	20.5%	62	79.5%
RESTAURANT	47	5.2%	6	12.8%	41	87.2%
RETAIL	18	2.0%	4	22.2%	14	77.8%
HOTEL	33	3.7%	7	21.2%	26	78.8%
<b>Totals</b>	<b>898</b>		<b>122</b>	<b>13.6%</b>	<b>776</b>	<b>86.4%</b>

Noise Cases by Noise Type						
Noise Type	TOTALS		Valid Cases		Non-valid Cases	
LOUD MUSIC	728	81.1%	90	12.4%	638	87.6%
LIVE ENTERTAINMENT	4	0.4%	0	0.0%	4	100.0%
BARKING DOG	104	11.6%	22	21.2%	82	78.8%
CROWD NOISE	0	0.0%	0	-	0	-
CONSTRUCTION	56	6.2%	7	12.5%	49	87.5%
OTHER	1	0.1%	1	100.0%	0	0.0%
HONKING CARS	5	0.6%	2	40.0%	3	60.0%
Totals	898		122	13.6%	776	86.4%

Call Time of Day / Day of Week						
TOTAL VALID AND NON-VALID CASES						
	Total		7a - 11p		11p - 7a (of following morning)	
		Percentage of total that occurred on that day of week			Not Noted	Percentage of total that occurred on that day of week
Monday	93	10.4%	58	62.4%	35	37.6%
Tuesday	82	9.1%	47	57.3%	35	42.7%
Wednesday	98	10.9%	65	66.3%	33	33.7%
Thursday	98	10.9%	56	57.1%	42	42.9%
Friday	149	16.6%	69	46.3%	80	53.7%
Saturday	213	23.7%	99	46.5%	114	53.5%
Sunday	165	18.4%	109	66.1%	56	33.9%
<b>Totals</b>	<b>898</b>		<b>503</b>	<b>56.0%</b>	<b>395</b>	<b>44.0%</b>

## VALID

	Total		7a - 11p		11p - 7a (of following morning)	
Monday	12	9.8%	7	58.3%	5	41.7%
Tuesday	13	10.7%	8	61.5%	5	38.5%
Wednesday	18	14.8%	15	83.3%	3	16.7%
Thursday	11	9.0%	4	36.4%	7	63.6%
Friday	17	13.9%	11	64.7%	6	35.3%
Saturday	28	23.0%	9	32.1%	19	67.9%
Sunday	23	18.9%	15	65.2%	8	34.8%
<b>Totals</b>	<b>122</b>	<b>13.6%</b>	<b>69</b>	<b>56.6%</b>	<b>53</b>	<b>43.4%</b>

## NON-VALID

	Total		7a - 11p		11p - 7a (of following morning)		Not Noted	
Monday	81	10.4%	51	63.0%	30	37.0%	0	0.0%
Tuesday	69	8.9%	39	56.5%	30	43.5%	0	0.0%
Wednesday	80	10.3%	50	62.5%	30	37.5%	0	0.0%
Thursday	87	11.2%	52	59.8%	35	40.2%	0	0.0%
Friday	132	17.0%	58	43.9%	74	56.1%	0	0.0%
Saturday	185	23.8%	90	48.6%	95	51.4%	0	0.0%
Sunday	142	18.3%	94	66.2%	48	33.8%	0	0.0%
<b>Totals</b>	<b>776</b>	<b>86.4%</b>	<b>434</b>	<b>55.9%</b>	<b>342</b>	<b>44.1%</b>	<b>0</b>	<b>0.0%</b>

## Call Time of Day - Residential vs Commercial

	Total		7a - 11p		11p - 7a (of following morning)		Not noted	
RESIDENTIAL	650	72.4%	360	55.4%	290	44.6%	0	0.0%
COMMERCIAL	170	18.9%	93	54.7%	77	45.3%	0	0.0%
OTHER	78	8.7%	50	64.1%	28	35.9%	0	0.0%
<b>Totals</b>	<b>898</b>		<b>503</b>	<b>56.0%</b>	<b>395</b>	<b>44.0%</b>	<b>0</b>	<b>0.0%</b>

## Breakdown of Calls with Identified Complainants and with Anonymous Complainants

	Total Cases		Valid Cases		Non-valid Cases	
<b>Totals</b>	<b>898</b>		<b>122</b>	<b>13.6%</b>	<b>776</b>	<b>86.4%</b>
Anonymous Complainant	564	62.8%	52	9.2%	512	90.8%
Anonymous with Contact made	44	4.9%	5	11.4%	39	88.6%
Contact Information Provided	286	31.8%	61	21.3%	225	78.7%
Not Noted	0	0.0%	0	-	0	-
Internal	4	0.4%	4	100.0%	0	0.0%

# REASONS WHY NON-VALID (COMMERCIAL ONLY)

(Q2-2010)

141 NON-VALID COMMERCIAL CASES HANDLED BY:	TOTALS	Music/Noise lowered prior to arrival per complainant	Permitted work	No Access / Access code	No Noise AT ALL	Exception	Music/Noise Not Loud or Excessive	Not Code issue / Beyond City Limits	After 11PM - Not audible at 100ft.	Bad Address	No Information Provided	Lowered upon request
CODE	136	18			26		69	4	19			
PD	5	0									5	
TOTALS	141	18	0	0	26	0	69	4	19	0	5	0
PERCENTAGES		13%	0%	0%	18%	0%	49%	3%	13%	0%	4%	0%

ATTACHMENT F

**Information on Disposition of Cases by Special Master and by Judicial (Q2-2010)**

Date of Violation	Special Master Case Number	Code Case Number	Address	Name	Status
12/07/2008	JC09000333	CE09001609	224 Meridian Ave	Jairo Franco	Adjudicated guilty of 2nd offense, fine of \$1,000 to be paid by 6/12/09 (fine not paid as of 10/6/10).
03/14/2009	JC09000495	CE09003925	323 23rd St	Aqua LLC	SM scheduled for 5/14/09, (continued to 6/25/09). 6/25/09 vio proven, adjudicated guilty of 2nd offense. 7/6/09 Motion for reconsideration and rehearing filed. Motion denied on 7/10/09. (Fine of \$2,000 not paid as of 10/6/10).
03/21/2009	JC09000554	CE09004144	323 23rd St	Aqua LLC dba Rain	SM scheduled for 5/14/09, (continued to 6/25/09). 6/25/09 vio proven, adjudicated guilty of 3rd offense. 7/6/09 Motion for reconsideration and rehearing filed. Motion denied on 7/10/09. (Fine of \$2,000 not paid as of 10/6/10).
03/25/2009	JC09000590	CE09004241	1235 Washington Ave	Star Island Entertainment	SM scheduled 5/14/09, continued to 6/11/09. Petitioner and respondent shall submit a memo outlining their respective position by 6/22/09. No update as of 10/6/10.
07/12/2009	JC09000966	CE09008099	912 71st Street	Mediterraneo Azul Inn	12/10/09 - Violation valid, proven through clear and convincing evidence, adjudicated guilty of a second offense. Fine of \$1000 shall be paid by 3/10/10. Fine not paid issued CB INVOICE# 00014954 \$1,000.00. <b>PAID 04/28/10.</b>
08/01/2009	JC09000971	CE09008701	323 23rd Street	Aqua LLC dba Rain	9/24/09 Special Master Hearing - City will submit Order for Special Master signature. SM sent inquiry to Legal regarding status of the agreed order that was to be submitted. No order submitted as 7/16/10
08/23/2009	JC09001047	CE09009228	2377 Collins Ave	WSA South Beach LLC	2/18/10 Chief SM - Joint motion for continuance is granted due to the fact that petitioner is attempting to resolve this matter with the City.. If parties are unable to reach a settlement acceptable to the Chief Special Master, both parties shall be prepared to conclude the evidentiary hearing on 6/10/2010 at 6:30pm. 6/24/10 Nolle Prosequi by City Attorney's Office
09/22/2009	JC10000016	CE09009973	540 West Ave	Grant Nachman	11/12/09 Petitioner adjudicated guilty of 1st offense. Fine to be paid by 11/23/09. As of 10/6/10 no payment.
11/20/2009	JC10000197	CE10001188	928 Penn Av	Jonathan Agne / Charles Kline	3/11/10 Request to appeal violation is denied, because not timely, City Bill 00017543 issued. Unpaid as of 10/6/10.
11/20/2009	JC10000196	CE10001161	2201 Collins Ave	2201 Collins Fee LLC T/A W Hotel	4/22/10 Settlement agreement approved on 4/29/10. Adjudicated guilty of 1st offense, Fine \$250 not yet paid as of 10/6/10.
11/21/2009	JC10000195	CE10001193	655 Washington Ave	Federico Alberto Mendez	6/24/10 violation determined to be valid, through clear and convincing evidence, fine \$250 not yet paid as of 10/6/10.
12/06/2009	JC10000297	CE10001530	1235 Washington Ave	Star Island Entertainment LLC dba Mansion	6/24/10 Agreed motion for continuance granted. 8/12/10 Settlement agreement approved by SM. Appeal withdrawn, \$75 court cost refunded to petitioner. <b>\$2,000 fine paid.</b>
12/25/2009	JC10000296	CE10001984	8300 Crespi Blvd	Alejandro Restrepo Villamizar	Scheduled for SM hearing 3/11/10 where it was scheduled for 6:30pm. It is noted that no one was present by 7:58pm. Petitioner is adjudicated guilty of a 1st offense. Fine \$250 not paid as of 10/6/10.
01/10/2010	JC10000331	CE10002369	1235 Washington Ave	Star Island Ent LLC dba Mansion	SM Hearing 4/8/10 - Agreement - Previous case CE10002310 nolle pros resulted in this case being reduced to written warning, fine of \$250 does not apply, Appeal withdrawn. Appeal fee returned to petitioner.
01/22/2010	JC10000332	CE10002680	2201 Collins Ave	2201 Collins Fee LLC	4/22/10 Settlement agreement approved on 4/29/10. Adjudicated guilty of 2nd offense, \$1000 fine not paid as of 10/6/10.
01/28/2010	JC10000333	CE10002894	2201 Collins Ave	2201 Collins Fee LLC	4/22/10 Settlement agreement approved on 4/29/10. Appeal granted and not a violation.
02/05/2010	JC10000345	CE10003144	2120 Bay Av Sunset 4	Gregory Mirmelli / Monika Entin, Esquire	7/8/10 Not valid through clear and convincing evidence, violation dismissed.
02/12/2010	JC10000424	CE10003472	928 Penn Av	Charles Klein Gary Jr	7/8/10 Adjudicated guilty of 2nd offense, fine of \$1000 not paid as of 10/6/10.
02/14/2010	JC10000346	CE10003505	1235 Washington Ave	Star Island Entertainment LLC dba Mansion	SM Hearing 4/8/10 - Agreement - Previous case CE10002310 nolle pros resulted in CE10002369 being reduced to written warning resulting in this case being reduced to 1st offense with fine of \$250 due within 10 days. Not paid as of 10/6/10.
02/20/2010	JC10000425	CE10003694	655 Washington Ave	KM Club, LLC	6/24/10 - Case dismissed at SM.
02/27/2010	JC10000423	CE10003875	1775 Collins Av	Brilla AJ RMB LLC	5/13/10 adjudicated guilty of 1st offense, fine \$250 <b>paid 6/28/10.</b>

Date of Violation	Special Master Case Number	Code Case Number	Address	Name	Status
03/20/2010	JC10000426	CE10004573	2377 Collins Ave	Sandy Lane Residential LLC, dba Gansevoort	6/24/10 appeal withdrawn, Fine \$250 paid 8/16/10.
03/23/2010	JC10000443	CE10004704	2201 Collins Ave	W Hotel	4/22/10 Settlement agreement approved. Appeal granted and not a violation. Appeal fee returned to petitioner.
03/24/2010	JC10000442	CE10004736	1671 Collins Ave	Sagamore Hotel	5/13/10 Appeal withdrawn, fine \$250 paid 5/4/10.
03/26/2010	JC10000444	CE10004869	136 Collins Ave	Kaine Bar Grill, LLC dba Klutch	6/24/10 Petitioner's appeal denied, required to pay fine \$250. Fine \$250 paid 7/13/10.
03/26/2010	JC10000454	CE10004859	1801 Collins Ave	Shelbourne Beach Resort	6/24/10 Petitioner's appeal denied, required to pay fine \$1,000. Fine \$1,000 paid 7/8/10.
03/27/2010	JC10000445	CE10004898	136 Collins Ave	Kaine Bar Grill, LLC dba Klutch	6/24/10 Petitioner's appeal denied, required to pay fine \$1,000. Fine \$1,000 paid 7/13/10.
03/27/2010	JC10000455	CE10004930	1801 Collins Ave	Shelbourne Hotel	6/24/10 Petitioner's appeal granted and dismissed with prejudice.
03/28/2010	JC10000462	CE10004943	2120 Bay Ave Sunset 4	Gregory Mirmelli	7/8/10 adjudicated guilty of 1st offense pursuant to JC10000345. 8/10/10 City Bill Issued CB# 00018570 / Customer # 016066. City Bill not paid as of 10/6/10.
03/28/2010	JC10000461	CE10004958	113 Lincoln Rd	Dutch Music Group, LLC	5/13/10 petitioners appeal denied with prejudice, fine of \$250 paid 6/16/10.
03/28/2010	JC10000456	CE10004967	1901 Collins Ave	The Shore Club	5/13/10-adjudicated guilty of 1st offense, fine of \$250 not yet paid as of 10/6/10
03/28/2010	JC10000446	CE10004947	136 Collins Ave	Kaine Bar Grill, LLC dba Klutch	6/24/10 Petitioner's appeal granted and dismissed with prejudice
03/29/2010	JC10000473	CE10005019	1800 JAMES AV	Jorge Roberto Vidal	6/24/10 Appeal withdrawn, 7/6/10 City Bill \$250 Issued CB#00017772 / Customer # 016422. City Bill not paid as of 10/6/10.
04/04/2010	JC10000472	CE10005244	1906 COLLINS AV	World Trattoria (VITA)	6/24/10 appeal withdrawn. Fine \$250 paid 4/29/10.
04/05/2010	JC10000474	CE10005333	1800 JAMES AV	Jorge Roberto Vidal	6/24/10 matter continued to 8/12/10. 8/12/10 Adjudicated guilty of 2nd offense. 09/01/10 FINE \$1,000 not paid, issued City Bill 00018835. Special Master granted new hearing date because there was a voicemail the date of the hearing advising that they could not attend and the message was not received until after the hearing had taken place. New date is 10/14/10.
04/29/2010	JC10000494	CE10006233	2120 BAY AV SUNSET 4	Gregory Mirmelli	SM scheduled 8/13/10. Pursuant to the rulings made on Special Master Case numbers JC10000345 and JC10000462, this case shall be reduced to a Second Offense. Petitioner's request for a continuance is GRANTED. This matter is continued to August 13, 2010, at which time the Special Master will take testimony and rule on the alleged violation. New date is 11/18/10.
05/05/2010	JC10000491	CE10006487	1 0 ST	Marcelino Picuasi	SM scheduled 8/13/10. Violation is reduced to a Written Warning.
05/08/2010	JC10000495	CE10006562	1200 OCEAN DR	SOBE Miami LLC dba Palace	SM 7/8/10 - Not proven to be valid through clear and convincing evidence, violation dismissed.
05/11/2010	JC10000492	CE10006670	113 LINCOLN RD	Dutch Music Group, LLC	SM scheduled 8/13/10. It is determined, through clear and convincing evidence, that the Notice of Violation and Fine issued is VALID. Petitioner is adjudicated guilty of a Second Offense. The fine of \$1,000 shall be paid by February 11, 2011.
05/13/2010	JC10000493	CE10006699	113 LINCOLN RD	Dutch Music Group, LLC	SM scheduled 8/13/10. Special Master Hearing -This case is DISMISSED.
05/23/2010	JC10000608	CE10007005	5600 COLLINS AV	Fabian Pinzon	SM scheduled 8/12/10. At the City's request, this case is DISMISSED. The administrative cost of \$75 shall be refunded to the Petitioner.
05/28/2010	JC10000607	CE10007166	7337 HARDING AV	Lou's Beer Garden	SM scheduled 8/12/10. DETERMINATION OF TIMELINESS. APPEAL FILED 1 DAY LATE. Petitioner is adjudicated guilty of a First Offense. The fine of \$250 shall be paid by December 9, 2010. A progress report shall be given to the Special Master on December 9, 2010.